

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JEANNE M. (LYON) LaHODNY,
and TERRY A. LaHODNY,

Case No. 6:13-cv-02102-TC

ORDER

Plaintiffs,

v.

48 HOURS, CBS NEWS and TROY
ROBERTS,

Defendants.

AIKEN, Chief Judge:

On February 17, 2015, Magistrate Judge Coffin issued Findings and Recommendation and recommended that plaintiffs' complaint be dismissed for failure to state a claim upon which relief may be granted. Defendants object and argue that the complaint should have been dismissed pursuant to Oregon's anti-SLAPP statute, Or. Rev. Stat. § 31.150. The matter is now before me. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b).

When either party objects to any portion of a magistrate judge's Findings and Recommendation, the district court must make a de novo determination of that portion of the magistrate judge's report. See 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). I find no error. Regardless of whether Magistrate Judge Coffin recited certain facts outside of the pleadings in the case history, such facts were not relied on when analyzing the sufficiency of plaintiffs' claims. Rather, Judge Coffin relied on plaintiffs' allegations and their arguments in response to defendants' motion.

Accordingly, Magistrate Judge Coffin's Findings and Recommendation dated February 17, 2015 (doc. 51) is ADOPTED in its entirety. Defendant's Motion to Strike (doc. 31) is treated as a Motion to Dismiss and is GRANTED. This case is HEREBY DISMISSED. IT IS SO ORDERED.

Dated this 24th day of March, 2015.



Ann Aiken
United States District Judge